

PATENT
Customer No. 22,852
Attorney Docket No. 06028.0030-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Grégory PLOS et al.) Group Art Unit: 1751
Application No.: 10/688,999) Examiner: Eisa B. ELHILO
Filed: October 21, 2003)
For: PROCESS FOR RAPID DYEING) Confirmation No.: 4371
AND RAPID DECOLORATION OF)
HUMAN KERATIN FIBRES WITH)
CERTAIN DIRECT DYES)

MAIL STOP ISSUE FEE

VIA EFS-Web

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicant appreciates the Office's Notice of Allowance dated October 17, 2007.

In the Notice of Allowability accompanying the Notice of Allowance, the Office stated that "upon further reviewing the content of the Declaration filed on 9/20/2007, it is found that the selected species of the direct dye in the claimed composition provide superior and unexpected results of coloration with a chromaticity coordinate L =38.26 (less than 40) over the composition of the prior art of record that shows less coloration with a chromaticity coordinate L= 46.5 and 43.01 (more than 40). Accordingly the claimed subject matter as a whole would not have been obvious to one having ordinary skill in the art of keratin fibers dyeing formulation."

While Applicant agrees with the Office's assessment, Applicant would like to note that the Declaration filed on 9/20/2007, does not only establish superior and unexpected results of coloration with a chromaticity coordinate L* value, but establishes that the selected species of the direct dye in the claimed compositions demonstrate a lower L* value (less than 40) in combination with a high C* value (greater than 20) when the dye compositions are applied to natural hair containing 90% white hairs, at a temperature of 27° C ±5°C for a period of 4 minutes, for a bath ratio of 10.

In addition, Applicant would like to note that, according to its records, the Patent Term Adjustment due in this case under 35 U.S.C. § 154(b) should be zero days – not the 79 days calculated by the Office. Applicant invites the Office to revisit its calculation before issuance and to notify the undersigned Applicant at the contact information below if it still believes that the calculation of 79 days is correct.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 9, 2008

By: /Jeffrey A. Freeman/
Jeffrey A. Freeman
Reg. No. 58,275
Phone: 404-653-6430
Fax: 404-653-6444